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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,854	04/04/2000	Edward G. Cazalet	APXX0003	6184

22862 7590 06/08/2004

GLENN PATENT GROUP
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MENLO PARK, CA 94025

EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,854

Applicant(s)

CAZALET ET AL.

Examiner

Igor Borissov

Art Unit

3629

ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,9-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,9-14,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections under 35 USC § 112 has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-5, 9-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuck et al. (U. S. 6,115,698) in view of Discussion Paper on Aligning Transmissions to Actual Flows (Publication).

Tuck et al. (hereinafter Tuck) teaches a system and method for trading electric energy considering available transmission capacity, comprising:

As per claims 1, contracting for a quantity of AC power to be transferred at a determined time interval, thereby creating a trading environment for electronic purchases and sales of electric energy, the scheduling and usage of the transmission system, wherein said quantity of AC power to be transferred comprises one of a plurality AC power to be transferred which are specific to a power transfer interface (C. 4, L. 47 – C. 5, L. 15).

Tuck does not specifically teach that said power transfer interface includes a flow gate being characterized by associated AC power transfers.

Publication, which appears to be published on November, 1998, teaches a system and method for managing congestions and operating on an actual flow basis, wherein contracting of electric power is conducted recognizing the physical flows of the electric power and an available flow gate, wherein a transfer capability of said flow gate is represented by a sum of all associated AC power transfers (pages 3, 4, 9, 12 and 15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tuck to include that the power transfer interface includes a flow gate and that contracting of electric power is conducted recognizing the physical flows of the electric power, available flow gate and transfer capability, as disclosed in Publication, because it would allow to amount those portions of electric power which do not flow through "contracted" paths, as specifically stated in Publication (page 4).

As per claim 4, said system and method, wherein each power transfer interface of the collection of the power transfer interfaces has an associated maximum safe carrying capacity (Tuck; C. 4, L. 60-63).

As per claims 5, said system and method, comprising: contracting each of said sum of said associated AC power transfer for each of said AC power transfers of said AC power transfer collection to take place at least over said first time interval (Tuck; C. 11, L. 50 – C. 12, L. 2).

As per claims 9, said system and method, comprising: contracting for said AC power transfer on said AC power network by a party to own AC power transfer trading rights; and enabling said party to further contract to sell said owned AC power transfer trading rights (Tuck; column 7, lines 1-9).

As per claims 10, said system and method, wherein each power transfer interface of the collection of the power transfer interfaces must have an associated maximum safe carrying capacity (Tuck; C. 4, L. 60-63), thereby obviously indicating approving said AC power transfer whenever said associated power transfer of said power transfer interface satisfies said maximum safe carrying capacity.

As per claim 11 said system and method, comprising: enabling said party to further contract to sell said owned AC power transfer trading rights before scheduling said AC power transfer for said contract (Tuck; C. 4, L. 19-25).

As per claim 12, said system and method, comprising: scheduling said AC power transfer for said contract, which occurs before said first time interval (before actual power transfer) (Tuck; C. 4, L. 29-32).

As per claim 13, the claim has similar limitations as **claim 10**, and rejected for the same reason.

As per claim 14, the claim has similar limitations as **claim 1**, and rejected for the same reason *as in claim 1 above*

As per claim 16, the claim has similar limitations as **claim 1**, and rejected for the same reason *as in claim 1 above*

As per claim 17, the claim has similar limitations as **claim 1**, and rejected for the same reason *as in claim 1 above*

Remarks

During a telephone interview on 1/5/2004 examiner indicated that additional search might be needed to address claims limitations. However, upon reconsideration, examiner maintains that the prior art discussed discloses the invention.

Response to Arguments

Applicant's arguments filed 1/28/04 have been fully considered but they are not persuasive.

In response to Applicant's argument that neither Tuck nor Publication teach real time trading of electrical energy and transfer rights across flow gates, examiner points out that Tuck teaches real time trading of electrical energy across power transfer interfaces (C. 4, L. 47 – C. 5, L. 15). Publication was applied for managing congestions and operating on an actual flow basis in market conditions, wherein contracting of electric power is conducted recognizing the physical flows of the electric power, wherein a transfer capability of available flow gate is represented by a sum of all associated AC power transfers (See: pages 3, 4, 9, 12 and 15, and discussion above).

In response to Applicant's argument that the prior art does not teach buying and selling power transfer rights for any future time interval, examiner stipulates that Tuck does teach contracting for power transfer for "any future hours" (C. 4, L. 6-7).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington D.C. 20231**

or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RB


DEANT.T.NGUYEN
PRIMARY EXAMINER

6/1/09